

IC 31-37-22

Chapter 22. Modification of Dispositional Decrees

IC 31-37-22-1

Motion for modification

Sec. 1. While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

- (1) upon the juvenile court's own motion;
- (2) upon the motion of:
 - (A) the child;
 - (B) the child's parent, guardian, custodian, or guardian ad litem;
 - (C) the probation officer;
 - (D) the caseworker;
 - (E) the prosecuting attorney; or
 - (F) the attorney for the county office of family and children;
- or
- (3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

As added by P.L.1-1997, SEC.20.

IC 31-37-22-2

Award of guardianship of child to department of correction

Sec. 2. If a child has been in the custody of the department of correction under the juvenile court's original dispositional decree, the juvenile court may not award guardianship of the child back to the department unless the juvenile court holds a hearing and finds that the child violated a modified dispositional decree.

As added by P.L.1-1997, SEC.20.

IC 31-37-22-3

Notice and hearing requirements; temporary order for emergency change in child's residence

Sec. 3. (a) If the petitioner requests an emergency change in the child's residence, the court may issue a temporary order. However, the court shall then give notice to the persons affected and shall hold a hearing on the question if requested.

(b) If the petition requests any other modification, the court shall give notice to the persons affected and may hold a hearing on the question.

As added by P.L.1-1997, SEC.20.

IC 31-37-22-4

Modification report

Sec. 4. If a hearing is required, IC 31-37-17 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, or custodian is requesting the modification.

As added by P.L.1-1997, SEC.20.

IC 31-37-22-5

Placement of child in public or private facility for children

Sec. 5. If:

- (1) a child is placed in a shelter care facility or other place of residence as part of a court order with respect to a delinquent act under IC 31-37-2-2;
- (2) the child received a written warning of the consequences of a violation of the placement at the hearing during which the placement was ordered;
- (3) the issuance of the warning was reflected in the records of the hearing;
- (4) the child is not held in a juvenile detention facility for more than twenty-four (24) hours, excluding Saturdays, Sundays, and legal holidays, before the hearing at which it is determined that the child violated that part of the order concerning the child's placement in a shelter care facility or other place of residence; and
- (5) the child's mental and physical condition may be endangered if the child is not placed in a secure facility;

the juvenile court may modify its disposition order with respect to the delinquent act and place the child in a public or private facility for children.

As added by P.L.1-1997, SEC.20.

IC 31-37-22-6

Placement of child for noncompliance concerning compulsory school attendance

Sec. 6. If:

- (1) a child fails to comply with IC 20-33-2 concerning compulsory school attendance as part of a court order with respect to a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal);
- (2) the child received a written warning of the consequences of a violation of the court order;
- (3) the issuance of the warning was reflected in the records of the hearing;
- (4) the child is not held in a juvenile detention facility for more than twenty-four (24) hours, excluding Saturdays, Sundays, and legal holidays, before the hearing at which it is determined that the child violated that part of the order concerning the child's school attendance; and
- (5) the child's mental and physical condition may be endangered if the child is not placed in a secure facility;

the juvenile court may modify its disposition order with respect to the delinquent act and place the child in a public or private facility for children under section 7 of this chapter.

As added by P.L.1-1997, SEC.20. Amended by P.L.1-2005, SEC.214.

IC 31-37-22-7

Alternative facilities for placement

Sec. 7. (a) If the juvenile court modifies its disposition order under section 5 or 6 of this chapter, the court may order the child placed under one (1) of the following alternatives:

- (1) In a nonlocal secure private facility licensed under the laws of any state. Placement under this alternative includes authorization to control and discipline the child.
- (2) In a local secure private facility licensed under Indiana law. Placement under this alternative includes authorization to control and discipline the child.
- (3) In a local secure public facility.
- (4) In a local alternative facility approved by the juvenile court.
- (5) As a ward of the department of correction for housing in any correctional facility for children. Wardship under this alternative does not include the right to consent to the child's adoption. However, without a determination of unavailable housing by the department of correction, a child found to be subject to section 5 or 6 of this chapter and placed in a secure facility of the department of correction may not be housed with any child found to be delinquent under any other provision of this article.

(b) If the juvenile court places a child under subsection (a)(3) or

(a)(4):

- (1) the length of the placement may not exceed thirty (30) days; and
- (2) the juvenile court shall order specific treatment of the child designated to eliminate the child's disobedience of the court's order of placement.

(c) The juvenile court shall retain jurisdiction over any placement under this section (or IC 31-6-7-16(d) before its repeal) and shall review each placement every three (3) months to determine whether placement in a secure facility remains appropriate.

As added by P.L.1-1997, SEC.20.

IC 31-37-22-8

Description by local alternative facility seeking court approval

Sec. 8. A local alternative facility seeking the approval of the juvenile court shall provide the court with a description of the following:

- (1) The facility's location and facilities.
- (2) The facility's staff, including personnel qualifications.
- (3) The maximum number of children who may be housed in the facility, including a ratio of staff to children when the facility is at maximum capacity.
- (4) Funding sources.
- (5) Programs that will be provided for children who are housed in the facility.

As added by P.L.1-1997, SEC.20.